



To: Mayor and Council Members

From: William E. Rhodes, P.E., Director
Solid Waste Services Department

A handwritten signature in black ink, appearing to read 'William E. Rhodes', is written over the 'From:' line.

Subject: Solid Waste Advisory Commission (SWAC) Recommendations – Staff Analysis

Date: December 11, 2008

The purpose of this memo is to provide staff's analysis of the SWAC's recommendations. Attached, please find a matrix identifying the Commission's recommendations, SWS Staff analysis, and suggested action.

Like the Climate Protection Plan, many elements of Zero Waste will require additional action. The Zero Waste Plan serves as a policy framework from which the City will pursue Zero Waste Initiatives. As we move forward with the Zero Waste Plan, staff will provide progress updates to the Commission, and where necessary, seek Commission and City Council approval. Additionally, as part of the budgeting process, staff will return to the City Council to identify Zero Waste Plans and budgetary requirements for each fiscal year.

If you have any questions, please do not hesitate to contact me directly at 512-974-1970 or Jessica Kingpetcharat-Bittner, Sustainability Administrator, at 974-7678.

cc: Marc A. Ott, City Manager
Robert Goode, Assistant City Manager
Tammie Williamson, Assistant Director
Donald Birkner, Assistant Director
Daniel Cardenas, Assistant Director

CITY OF AUSTIN

SOLID WASTE ADVISORY COMMISSION

RESOLUTION CONCERNING THE ZERO WASTE STRATEGIC PLAN

NOVEMBER 25, 2008

VOTE: 6-0-0

Motion made by: J.D. Porter

Seconded by: Maydelle Fason

Commissioners Consenting: Gerry Acuna, Jason Pittman, Tracy Sosa, Rick Cofer

Commissioners Dissenting: None

Commissioners Abstaining: None

Commissioners Absent: None

Whereas, the Long Range Solid Waste Planning Task Force intended the Zero Waste Strategic Plan to be a starting point and framework for an ongoing iterative process that would result in a fully operational Zero Waste Program to be in place by 2040 or before; and

Whereas, the above mentioned iterative process was intended to move forward in discrete steps focused on detailed planning and implementation strategies for each step as funding became available; and

Whereas, it is important to begin the process now before the opportunity to move forward is lost;

Be It Therefore Resolved:

That the City of Austin Solid Waste Advisory Commission recommends and requests that Council adopt the Zero Waste Strategic Plan and that Council directs the City Manager to immediately begin implementation of the Top 13 Zero Waste Strategic Plan Proposed Recommendations (Attachment A).

Be It Further Resolved:

That the Solid Waste Advisory Commission requests consideration of various other recommendations from the Commission concerning the Plan as part of this Resolution (Attachment B) and other such recommendations that may be proposed from time to time by the Commission.

Attachment A: SWAC Recommended Top 13 Priorities

With input from the City's Solid Waste Advisory Commission and citizens, the Commission recommends that the City develop an interim zero waste infrastructure transition plan to manage and implement the following top 4 Zero Waste policy priorities until the Solid Waste Master Plan is complete:

1. Consider and implement proactive education and enforcement methods for the Commercial and Multi-family Recycling Ordinance. Rewrite the ordinance to include all commercial enterprises and multi-family residences and include them in the stakeholder process. Make the effective date of the revised ordinance gradually phase in over three years to include all multi-family residences, commercial properties, and institutions.
2. Reach out to institutions, industrial facilities, and manufacturers, to encourage them to adopt and implement zero waste goals.
3. Promote composting to remove organic material and compostables from landfills, which is necessary to reduce methane and carbon emissions. First, identify the best strategies to promote on-site composting at work and home. Second, evaluate infrastructure for residential curbside, commercial, and institutional composting; develop strategies to increase composting capacity; and implement a pilot curbside composting program by 2012.
4. Lead by example. Evaluate departmental waste streams for baseline data and future monitoring within one year of passing the Zero Waste Plan. Over a three year time frame, develop and implement, where appropriate and feasible, waste diversion programs with input from City Departments.

The remaining recommendations should be prioritized in order of least to most amount of staff time required:

- Until the Master Plan can provide recommendations on the Pay-As-You-Throw rate structure, build on the progress made in the FY2009 budget and make the Pay-As-You-Throw rates incentivize waste diversion and fully fund zero waste initiatives and SWS operational requirements.
- Develop ordinances and/or rules that encourage sustainable practices, including recycling and other zero waste practices, at events that require the use of public facilities and rights of way, starting with large events.
- Develop an education program for Appendix B of the Zero Waste Strategic Plan, identifying the various resources available to the community.
- Allocate staff time and resources to work with local government officials across Texas to launch a Texas Product Stewardship Council.
- Evaluate and develop a public and private partnership for neighborhood reuse center (possibly a pilot program).
- Play an active role in lobbying the state legislature to improve the Texas Computer Take Back Law and expand producer take back to other products such as TVs, fluorescent lighting, pharmaceuticals, non-rechargeable batteries, etc.
- Recognizing the legislative limits of flow control over landfills, begin a dialogue with regional partners to evaluate ways to influence flow control and enhance Zero Waste in the CAPCOG region.
- Evaluate advancements in technology and facilities that help the city/region achieve zero waste with an emphasis on the economic and environmental impact.
- Encourage existing landfill operators to collect methane gas and oppose the categorization of landfill methane gas as a renewable energy source.

Attachment B: SWAC Recommendations for the Zero Waste Strategic Plan

- 1) In the Long range Solid Waste Planning Task Force's Interim Report to Council dated 10/27/2005, the follow was included in its findings;

“Consensus has been reached, tentatively, on several topics; including adoption of Zero Waste as our target and the potential use of a solid waste authority or district or lead organization as a means of achieving that aim”

While the Zero Waste Strategic Plan (ZWSP) mentions a solid waste management district (SWMD) on page 17 and acknowledges that regional management of solid waste is vital, no detailed analysis of how to create and sustain a SWMD is included. Likewise, there is no in depth analysis of how such an entity would operate within the scope of a ZWSP. Much more detail should be provided.

- 2) In the request that was issued as part of the search for a consultant to develop the ZWSP, the following was included in Anticipated Services;

“The Zero Waste Plan is to include a specific timetable for each priority, including actions to be taken for the greatest impact on the diversion of materials sent to landfills. The consultant will estimate order of magnitude costs for each action identified. Recommendations are to include elements of public education and outreach to promote the concepts of the plan and the integration of eco-industrial parks.”

This was not included in the report and needs to be completed.

- 3) Appendix H of the Plan is the “Highest and Best Use Hierarchy”. It ranks busy/incinerate/waste-based energy as the lowest/worse use. There has been much discussion focused on the appropriateness of this designation. Since Zero Waste is sustained by economic drivers such as green jobs and green business development and evaluated with green metrics such as tons diverted to reuse and recycling, a manufacturing process, it is vital to focus on the economic component of the ZWSP. As relates to ranking these practices, a prominent component of that analysis should be how the practice performs as an economic development tool that will strengthen the sustainability of Zero waste. An analysis should be completed identifying and comparing all of the resource destructive technologies to other practices in the Hierarchy. The analysis should include jobs created, capital costs required, taxes generated, markets created, and others. The result of the analysis should be used as one of the metrics to rank these practices in the Hierarchy.
- 4) SWAC would like the Plan to emphasize public/private partnerships and providing incentives for haulers/landfills that help achieve Zero Waste goals.
- 5) SWAC supports identifying and exploring new clean technologies to convert certain types of waste into energy. We recognize that the best use of material is reusing, recycling and composting which should be considered prior to new ways of capturing energy from waste.

Staff Analysis: SWAC Zero Waste Strategic Plan Recommendations & Priorities

#	SWAC Recommended Revisions for Plan	Staff Analysis	Staff Recommendation
1	Provide more detail analysis regarding creation and implementation of a solid waste management district (SWMD) and how such an entity would operate within the scope of a ZWSP.	Because Solid Waste Management Districts require legislative approval, extensive negotiation among interested partners, and legal discussions to determine authority, the Zero Waste Plan is not the best document to evaluate this option. If the City Council decides to pursue a SWMD option, staff can provide a complete evaluation at that time.	Adopt the Plan, recognizing that Staff will perform this analysis if Council seeks to develop a Solid Waste Management District.
2	Include a timetable and budget for recommended priorities, including actions to be taken for the greatest impact on the diversion of materials sent to landfills. Provide an estimated order of magnitude costs for each action identified. Recommendations should include elements of public education and outreach to promote the concepts of the plan and the integration of eco-industrial parks.	The original Zero Waste Plan's timeline and budget was shared with the Commission. The Commission is also aware that a Master Plan is forthcoming. Because the Master Plan will also include a timeline and budget based upon Council priorities and potential funding opportunities, staff is concerned that two timeline/budgets may create confusion.	Adopt the Plan without a timeline and budget. Use SWAC priorities as policy guidelines and rely on the Master Plan to identify a timeline and budget to implement those priorities, any additional Council priorities, and ensure continued Departmental operational requirements.
3	An analysis should be completed identifying and comparing all of the resource destructive technologies to other practices in the Hierarchy. The analysis should include jobs created, capital costs required, taxes generated, markets created, and others. The result of the analysis should be used as one of the metrics to rank these practices in the Hierarchy.	While this analysis may be beneficial, SWAC, Council, and Staff will need guidance in the interim. The draft plan creates a new category in the Highest and Best Use Hierarchy that separates Waste Based Energy and Energy Recovery Technologies from Bury/Incinerate Only systems, placing it at a slightly higher use. <i>Mr. Liss did state that such a revision is not entirely consistent with the standard approach most cities have taken and requested a footnote identify the revision as a City revision. Staff included the footnote.</i>	Adopt the Plan with the revised Hierarchy prioritizing reusing, recycling, and composting above waste based energy.
4	SWAC would like the Plan to emphasize public/private partnerships and providing incentives for haulers/landfills that help achieve Zero Waste goals.	The plan generally uses the term "partnerships" to give the City latitude to explore a variety of partnerships, including public-private; public-public; public/non-governmental; etc. Staff assumes that collaboration will always be the first step, but recognizes that additional authority could be granted to the City in the future. The City should preserve all available options.	Adopt the Plan, recognizing that the term "partnerships" means any type of partnership, including public-private, etc.
5	SWAC supports identifying and exploring new clean technologies to convert certain types of waste into energy. SWAC recognizes that the best use of material is reusing, recycling and composting which should be considered prior to new ways of capturing energy from waste.	Adopting the revised Hierarchy would recognize this preference.	Adopt the Plan which includes the revised Hierarchy prioritizing reusing, recycling, and composting above waste based energy.

Staff Analysis: SWAC Zero Waste Strategic Plan Recommendations & Priorities

With input from the City's SWAC and citizens, SWAC recommends that the City develop an interim zero waste infrastructure transition plan to manage and implement the following Zero Waste policy priorities until the Solid Waste Master Plan is complete:

#	SWAC Recommended Priority	Staff Analysis	Staff Recommendation
1	Consider and implement proactive education and enforcement methods for the Commercial and Multi-family Recycling Ordinance. Rewrite the ordinance to include all commercial enterprises and multi-family residences and include them in the stakeholder process. Make the effective date of the revised ordinance gradually phase in over three years to include all multi-family residences, commercial properties, and institutions.	<p>The recommendation is consistent with staff's recommendation to develop, support, and adopt waste reduction/disposal legislation; and expand recycling/composting programs.</p> <p>Staff consistently evaluates and implements new methods to improve education and outreach. However, proactive enforcement will require additional staff time and resources. Additionally, revising the ordinance to include ALL commercial enterprises and multi-family residences will require lengthy discussion and communication with stakeholders. Although staff will strive to develop methods to make recycling more accessible to all Austin citizens, negotiation and implementation could take longer than 3 years, especially given current recycling market conditions.</p>	Adopt recommendation.
2	Reach out to institutions, industrial facilities, and manufacturers, to encourage them to adopt and implement zero waste goals.	The recommendation is consistent with staff's recommendation to educate, promote, and advocate for Zero Waste. The City must reach out to all businesses, institutions, etc to support and implement Zero Waste goals.	Adopt recommendation.
3	Promote composting to remove organic material and compostables from landfills, which is necessary to reduce methane and carbon emissions. First, identify the best strategies to promote on-site composting at work and home. Second, evaluate infrastructure for residential curbside, commercial, and institutional composting; develop strategies to increase composting capacity; and implement a pilot curbside composting program by 2012.	<p>The recommendation is consistent with staff's recommendation to expand recycling/composting programs.</p> <p>Staff is interested in developing incentives to encourage on-site composting. Based on review of our existing composting infrastructure, the city service providers do not currently have the capacity to manage composting all materials generated by the community – residential or commercial. Staff recommends developing the much needed composting infrastructure prior to launching a pilot curbside program.</p>	Adopt recommendation, with clarification that infrastructure must be in place prior to launch of curbside pilot programs.
4	Lead by example. Evaluate departmental waste streams for baseline data and future monitoring within one year of passing the Zero Waste Plan. Over a three year time frame, develop and implement, where appropriate and feasible, waste diversion programs with input from City Departments.	<p>The recommendation is consistent with staff's recommendation to Lead by Example.</p> <p>Not only does the City produce a significant amount of waste, it is also a large consumer and has tremendous buying power. Leading by Example will help the City foster a Zero Waste economy and encourage the community to follow.</p>	Adopt recommendation, but make this recommendation the 1 st priority.

Staff Analysis: SWAC Zero Waste Strategic Plan Recommendations & Priorities

The following recommendations should be prioritized in order of least to most amount of staff time required:

#	SWAC Recommended Priority	Staff Analysis	Staff Recommendation
5	Until the Master Plan can provide recommendations on the Pay-As-You-Throw rate structure, build on the progress made in the FY2009 budget and make the Pay-As-You-Throw rates incentivize waste diversion and fully fund zero waste initiatives and SWS operational requirements.	Staff agrees that a linear Pay-As-You-Throw Rate structure should encourage more recycling. SWAC has already formed a rate gap analysis subcommittee to study this issue. A regular evaluation of PAYT rates can assist in developing an interim rate structure until the Master Plan can make long-term recommendations and final recommendations are approved and implemented. In that evaluation, Staff and SWAC must closely consider the financial requirements to continue operation if a large percentage of the City's residential customers convert to the 30 gallon PAYT cart.	Adopt recommendation.
6	Develop ordinances and/or rules that encourage sustainable practices, including recycling and other zero waste practices, at events that require the use of public facilities and rights of way, starting with large events.	The recommendation is consistent with staff's recommendations to develop, support, and adopt waste reduction/disposal legislation. Staff is currently working with Council offices to develop a "green events" ordinance and list of resources.	Adopt recommendation.
7	Develop an education program for Appendix B of the Zero Waste Strategic Plan, identifying the various resources available to the community.	The recommendation is consistent with staff's recommendations to educate, promote, and advocate Zero Waste. Staff is excited to re-develop the SWS website with Zero Waste in mind. Providing the community with updated information and resources to properly dispose of or recycle their materials is essential to the success of Zero Waste initiatives. While many of the materials identified in the market inventory are already included on the City's website, the SWS staff is currently evaluating ways to revise the outreach tools to make them even more effective.	Adopt recommendation.
8	Allocate staff time and resources to work with local government officials across Texas to launch a Texas Product Stewardship Council (TPSC).	The recommendation is consistent with staff's recommendations to develop, support, and adopt waste reduction/disposal legislation. Staff is currently working with a small group of local government and CAPCOG staff to develop and launch a Texas Product Stewardship Council. While the voting body of the TPSC will be composed primarily of local government officials, subcommittee membership will be open to stakeholders, including manufacturers and service providers. The project is in its infancy, but Staff is supportive of forming and participating in the TPSC.	Adopt recommendation.

Staff Analysis: SWAC Zero Waste Strategic Plan Recommendations & Priorities

#	SWAC Recommended Priority	Staff Analysis	Staff Recommendation
9	Evaluate and develop a public and private partnership for neighborhood reuse center (possibly a pilot program).	<p>The recommendation is consistent with staff's recommendation to expand and improve recycling and composting programs.</p> <p>Staff is supportive of evaluating neighborhood reuse/recovery centers. Such projects will require staff time, outreach, and potentially financial resources. Depending on the types of materials accepted, staff will need to identify neighborhood(s) receptive to placing a center in their neighborhood as well as the types of materials to accept.</p>	Adopt recommendation
10	Play an active role in lobbying the state legislature to improve the Texas Computer Take Back Law and expand producer take back to other products such as TVs, fluorescent lighting, pharmaceuticals, non-rechargeable batteries, etc.	<p>The recommendation is consistent with staff's recommendations to develop, support, and adopt waste reduction/disposal legislation.</p> <p>Local governments shoulder a financial responsibility to properly dispose of hazardous products like compact fluorescent lighting, non-rechargeable batteries, televisions, etc. In addition to developing the Texas Product Stewardship Council, staff is supportive of improving and expanding existing TakeBack legislation to shift that the responsibility of disposal back to manufacturers.</p>	Adopt recommendation.
11	Recognizing the legislative limits of flow control over landfills, begin a dialogue with regional partners to evaluate ways to influence flow control and enhance Zero Waste in the CAPCOG region.	<p>The proposed recommendation will require legislative changes. While this issue is something that the City should open a dialogue with our regional partners on, it is critical to understand that state and federal law prohibit local governments from regulating flow control over private landfills. Flow control is only allowed by publicly owned landfills.</p>	Adopt recommendation
12	Evaluate advancements in technology and facilities that help the city/region achieve zero waste with an emphasis on the economic and environmental impact.	<p>Staff will work with various members of other departments and external specialists to evaluate various waste diversion technologies. This will be an on-going process. Staff will also provide SWAC with updates as more information becomes available.</p>	Adopt recommendation.
13	Encourage existing landfill operators to collect methane gas and oppose the categorization of landfill methane gas as a renewable energy source.	<p>Staff is supportive of encouraging existing landfill operators to collect and use methane gas. However, the United States Department of Energy sets the standards for types of energy that are categorized as renewable energy. Opposing such a categorization would require lobbying of rule changes at the federal level.</p>	Adopt recommendation, with revisions. Remove the phrase "and oppose the categorization of landfill methane gas a renewable energy source."